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**From:** McGill, Thomas [Mcgill.Thomas@epa.gov]  
**Sent:** 8/15/2017 9:41:41 PM  
**To:** Hurlid, Kathy [Hurlid.Kathy@epa.gov]; Mancusi-Ungaro, Philip [Mancusi-Ungaro.Philip@epa.gov]; McDavit, Michael W. [Mcdavit.Michael@epa.gov]  
**CC:** Able, Tony [Able.Tony@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Subject:** RE: regulatory cross-walk

Kathy – To the extent possible, please schedule a call tomorrow, other than 3:30-4:30. Thanks. Tom

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**From:** Hurlid, Kathy  
**Sent:** Tuesday, August 15, 2017 8:44 AM  
**To:** Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>  
**Cc:** McGill, Thomas <Mcgill.Thomas@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: regulatory cross-walk

All, we need to have a call. I need to understand what has transpired while I was out. The state assumption regs are at 40 CFR 233. There are no COE regs for assumption. It may just be terms being used in e-mails and everyone is on the same page, but I think it will be best to talk this through. I will set up a call for this week.

Thanks. - Kathy

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**From:** Mancusi-Ungaro, Philip  
**Sent:** Friday, August 11, 2017 1:16 PM  
**To:** McDavit, Michael W. <Mcdavit.Michael@epa.gov>  
**Cc:** McGill, Thomas <Mcgill.Thomas@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>  
**Subject:** Re: regulatory cross-walk

Michael,

Kathy and I have worked closely over the years on these issues and I think she will tell you I have a good understanding of the program having been the lead 404 attorney for over 25 years.

I have also been involved in the assumption process not just in Florida, but in Sc and elsewhere. So this is not new to me.

## Ex. 5 Deliberative Process (DP)

I apologize if it sound like I am lecturing, but I get the sense

Sent from my iPhone

On Aug 11, 2017, at 10:38 AM, McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)> wrote:

Phil,

## Ex. 5 Deliberative Process (DP)

Mike

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**From:** Mancusi-Ungaro, Philip

**Sent:** Friday, August 11, 2017 10:25 AM

**To:** McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Able, Tony <[Able.Tony@epa.gov](mailto:Able.Tony@epa.gov)>; Kaiser, Russell <[Kaiser.Russell@epa.gov](mailto:Kaiser.Russell@epa.gov)>

**Cc:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Mancusi-Ungaro, Philip <[Mancusi-Ungaro.Philip@epa.gov](mailto:Mancusi-Ungaro.Philip@epa.gov)>

**Subject:** RE: regulatory cross-walk

## Ex. 5 Deliberative Process (DP)

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**From:** McGill, Thomas

**Sent:** Friday, August 11, 2017 10:05 AM

**To:** Mancusi-Ungaro, Philip <[Mancusi-Ungaro.Philip@epa.gov](mailto:Mancusi-Ungaro.Philip@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Able, Tony <[Able.Tony@epa.gov](mailto:Able.Tony@epa.gov)>; Kaiser, Russell <[Kaiser.Russell@epa.gov](mailto:Kaiser.Russell@epa.gov)>

**Cc:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>

**Subject:** RE: regulatory cross-walk

Thanks Phil. I'm attaching some minor suggested markups, and I've included some questions. I'd like to share this with FDEP today, and I'll follow-up shortly with a draft message for everyone's review/consideration to frame how this is to be presented to FDEP. Tom

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**From:** Mancusi-Ungaro, Philip

**Sent:** Friday, August 4, 2017 11:25 AM

**To:** McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Able, Tony <[Able.Tony@epa.gov](mailto:Able.Tony@epa.gov)>; Kaiser, Russell <[Kaiser.Russell@epa.gov](mailto:Kaiser.Russell@epa.gov)>

**Cc:** Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>

**Subject:** RE: regulatory cross-walk

Attached is my first attempt at creating a cross walk for the COE regs. You will note, some I designated as Informational in that the review of those provisions will help the state better understand what is in the program. Others are not, and I believe the state will have to mirror those requirements.

See what you think.

I am also adding Matt Hicks who handles a lot of our 404 counseling. I am adding 404 assumption to his portfolio (who says being a manager isn't fun....)

Phil

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**From:** McGill, Thomas

**Sent:** Wednesday, August 02, 2017 5:52 PM

**To:** McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Able, Tony <Able.Tony@epa.gov>

**Subject:** FW: regulatory cross-walk

Mike – I know Kathy is out of pocket for the next 2 weeks. While I understand the attachment reflects a comprehensive set of requirements that a State would need to have in place in order to have an acceptable 404 assumption package, would you or anyone on your staff be able to verify that?

Phil/Tony – If you see anything missing from the attachment regarding required state authorities please chime-in.

Thanks.

Tom

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**From:** McGill, Thomas

**Sent:** Wednesday, August 2, 2017 5:48 PM

**To:** 'Green, Justin B.' <Justin.B.Green@dep.state.fl.us>; Seward, Margaret <Margaret.Seward@dep.state.fl.us>

**Cc:** McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Able, Tony <Able.Tony@epa.gov>

**Subject:** regulatory cross-walk

Justin and Megan,

Per our discussion this afternoon I'm attaching a regulatory cross-walk that includes the authorities of a state program that we would need to see in a 404 assumption package. While I believe this is comprehensive in terms of the scope of authorities that need to be in place for an approvable assumption package, I am in the process of verifying that within my office. This cross-walk template was used by EPA in our work with other states that have explored assumption, and while we included some examples of other state authorities within the attachment we removed the specific citations for the purpose of keeping those states anonymous. Hopefully you'll find this document useful.

We look forward to continuing our discussions and please don't hesitate to follow-up with us if you have any questions or would like to discuss any issues related to this.

Tom